

(Docket No. 3)

Plaintiff, a detainee of the United States Customs Enforcement (“ICE”), filed this complaint under the Federal Tort Claims Act. On October 26, 2011, the Court found that the complaint stated a cognizable claim for relief and ordered the United States Marshal to serve the complaint upon Defendant. Defendant was served on November 1, 2011, and filed an answer on December 22, 2011. The Order of Service also required Defendant, within ninety days, either to file a dispositive motion or notify the Court that it is of the opinion that this case cannot be resolved by such a motion. Defendant has done neither despite the fact that the deadline for doing so passed approximately sixty days ago. Instead, Defendant has filed a “request to be placed on the Court’s regular case management calendar and to set this matter for an initial case management


1 conference.” That is not one of the options Defendant was ordered to elect, however, nor
2 is such a course preferable in a case such as this in which the Plaintiff is incarcerated and
3 proceeding pro se.

4 Defendant shall comply with the Order of Service within **14 days** of the date this
5 order is filed. If additional time is needed, Defendant shall, in accordance with the
6 instructions in the Order of Service, file a motion for an extension of time no later than
7 **five days** prior to the deadline sought to be extended. Such a motion must be supported
8 by a showing of good cause for the requested time extension.

9 Plaintiff’s motion for appointment of counsel (docket number 3) is DENIED for
10 want of exceptional circumstances. The Court may reconsider this motion sua sponte
11 should the circumstances of the case materially change.

12 IT IS SO ORDERED.

13 DATED: April 4, 2012

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16 JEFFREY S. WHITE
17 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ROBERTO X BLANDINO,
Plaintiff,

Case Number: CV11-04807 JSW

CERTIFICATE OF SERVICE

v.

UNITED STATES et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 4, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Roberto X. Blandino
077 223 173
41777 Grimmer Blvd F1
Fremont, CA 94538

Dated: April 4, 2012



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk